



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,923	05/31/2001	Robert R. Gagne	BUR920000210	7789
29505	7590	04/22/2004	EXAMINER	
DELIO & PETERSON, LLC 121 WHITNEY AVENUE NEW HAVEN, CT 06510			FISCHETTI, JOSEPH A	
			ART UNIT	PAPER NUMBER

3627

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,923

Applicant(s)

GAGNE ET AL.

Examiner

Joseph A. Fischetti

Art Unit

3627

MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 and 29-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claims 1-9, 29-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 3, but the traversal does not overcome the evidence proffered in the restriction showing independent and distinctness. The restriction is made final.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-28 are rejected under 35 U.S.C. 101 because
the claimed invention is directed to non-statutory subject matter. IN particularly .
the steps of notifying, prompting and generating are not recited as computer
implemented.

1 *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the claims, it is unclear whether the steps of notifying, prompting and generating are computer implemented or are carried out by human intervention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. in view of Altendahl et al.

Saito disclose a method for electronically acquiring request information and documentation for the shipping. It discloses:

providing an electronic database (ordering database 1) adapted to receive a shipping instruction from a requester; the step of verifying deemed to be an old expedient in the art;; providing fields in said electronic database for approvals of said shipping instruction; notifying said requester's approving manager or approving

manager designee of said request for an initial approval is read as step S27 which a step connecting the process to a manager;

providing for a document link within said electronic database to view said request; prompting said approving manager or said approving manager designee to assign a status for said request is read as step 28 where the estimate is entered remotely at the general affairs center; notifying next required approving manager or next required approving manager designee after said initial approval Official notice is taken with respect to the old and notoriously well known step of notification post approval. ;

prompting said requester to prepare documents for moving goods and materials to a designated shipping location (steps S52-55);

notifying said requester continuously via electronic mail of the status of said request(requestor has access to HTML data see col. 6 lines 51-66);

notifying said requester of approved request after all approvals have been granted Official notice is taken regarding the old and notorious practice of notifying someone once all contingencies are resolved; generating shipping documentation at said requester's initiation (HTML documents as disclosed at S66) and

storing in a database information for tracking said shipment material and auditing said method(see col.7, lines 52-54 system manager updates database 1).

However, Saito et al. do not disclose seeking approval of shipping instructions, rather only approval of an estimate with using fields. Altendahl et al. do disclose parcel management system having field hyperlinked to other data controls and shipping

Art Unit: 3627

approval concerns. It would be obvious to modify the method of Saito et al. to include the shipping controls of Atendahl et al. using fields in a display as taught by Figs. 5-7, the motivation being the quick ease of data control.

Re claims 11, 12, Saito et al teaches a password col. 6 line 54.

RE claims 13-15 the practice of copying one's supervisor is old as is the use of e-mail to effect same.

Re claim 18: Saito et al. edits by inserting the approved estimate.

Re claim 19/27/28: Saito et al. disclose a terminated mode col. 7 line 3.

Re claim 22 see col. 8 line 1-10.

Re claims 23-26: Saito disclose use of the system with commodities purchases.

Thus, notification of the type of commodity would be inherent to the method.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.

